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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LANE,

Petitioner,

v.

,
Respondent.

Case No. 18-cv-07009-PJH

ORDER OF DISMISSAL

Re: Dkt. No. 4

Petitioner, a state prisoner, filed an incomplete habeas petition and did not pay the filing fee or submit a completed application to proceed in forma pauperis ("IFP"). On two occasions he was sent a notice that he had not paid the filing fee or applied for leave to proceed IFP; and he was allowed twenty-eight days to either pay the fee or file the completed application. A copy of the court's form for applications to proceed IFP was provided with the notice, along with a return envelope. He was also informed that he must file a proper habeas petition.

The twenty-eight days has passed, and petitioner has not filed a completed application to proceed IFP, paid the filing fee, filed a proper petition or otherwise communicated with the court. This case is therefore **DISMISSED** without prejudice and the incomplete motion to proceed IFP (Docket No. 4) is **DENIED**. A certificate of appealability is **DENIED**. The clerk shall close the file.

IT IS SO ORDERED.

Dated: February 12, 2019



PHYLLIS J. HAMILTON
United States District Judge

1
2 LANE,
3 Plaintiff,
4 v.
5 ,
6 Defendant.
7

8 Case No. 18-cv-07009-PJH
9

10 **CERTIFICATE OF SERVICE**
11

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
13 District Court, Northern District of California.

14 That on February 12, 2019, I SERVED a true and correct copy(ies) of the attached, by
15 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
17 receptacle located in the Clerk's office.

18 Rodney A. Lane ID: BG 1303
19 Sierra Conservation Center
20 5150 O'Byrnes Ferry Road
Jamestown, CA 95327

21 Dated: February 12, 2019

22
23 Susan Y. Soong
24 Clerk, United States District Court

25 By: 
26 Kelly Collins, Deputy Clerk to the
27 Honorable PHYLLIS J. HAMILTON
28